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August 1, 2014

By ECF

The Honorable Ronald L. Ellis, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

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Re: Trustees of the Mason Tenders' District Council Welfare Fund, Pension Fund and Annuity Fund v. CAC of NY Inc. and John R. Romano, No. 13-cv-8935 (RLE) (S.D.N.Y.)

Dear Judge Ellis:

We represent Plaintiffs, the Trustees of the Mason Tenders' District Council Welfare Fund, Pension Fund and Annuity Fund, in the above-referenced matter. We write jointly with counsel for Defendants CAC of NY Inc. and John R. Romano (together with Plaintiffs, the "Parties"), to provide the Court with a brief update on this matter and to request an adjournment of the August 7, 2014 Status Conference.

Since the Parties' last conference before the Court on July 2, 2014, Plaintiffs filed an Amended Complaint (Doc. 19), naming John R. Romano as an additional defendant. The Summons as to Defendant Romano was issued on July 17, 2014 (Doc. 22), and Plaintiffs subsequently mailed to Defendant Romano's counsel, on July 23, 2014, a Notice of Lawsuit and Waiver of Service of Summons. An executed Waiver of Service of Summons, dated July 27, 2014, was returned to Plaintiffs by Defendant Romano; accordingly, a response to the Amended Complaint on behalf of Defendant Romano is not due to be filed until September 22, 2014. Also, the Parties are continuing their efforts to resolve this matter.

Due to a scheduling conflict that has arisen on August 7, 2014 for counsel for Plaintiffs, and the fact that Defendant Romano has until September 22, 2014 to answer or otherwise respond to the Amended Complaint, the Parties respectfully request an adjournment of the Status Conference before your Honor until a date after September 22, 2014.

This is the first joint request for an adjournment of the August 7, 2014 Status Conference.

Respectfully submitted,

/s/ Anthony S. Cacace

Anthony S. Cacace

cc: Donald Pupke, Esq. (by Email)
Todd Mobley, Esq. (by Email)